

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>CLIFFORD MICHEL, <i>et al.</i>,</b>	§	
	§	<b>CIVIL ACTION 1:21-CV-681</b>
<i>Plaintiffs,</i>	§	
	§	
<b>v.</b>	§	
	§	
<b>WORKRISE TECHNOLOGIES, INC. <i>et al.</i>,</b>	§	
	§	
<i>Defendants.</i>	§	<b>JURY DEMAND</b>

**DEFENDANTS’ REPLY TO PLAINTIFFS’ RESPONSE TO  
DEFENDANTS’ MOTION FOR LEAVE TO SERVE REBUTTAL EXPERT REPORT**

Defendants Workrise Technologies, Inc. and HCS Renewable Energy LLC (“Defendants”) reply to the Response to Motion for Leave to Serve Rebuttal Expert Report (the “Response”) filed by Plaintiffs Clifford Michel, Guerda Louis, and Ralph Frédéric (collectively, “Plaintiffs”) ECF No. 119 as follows:

Plaintiffs’ counsel’s designated expert is a former client turned “expert” who purports to opine on what amount to ultimate issues in the case. While it is Defendants position that Plaintiffs’ purported expert is not proper and should be ultimately struck, Defendants should have equal right to rebut that testimony should the Court allow Plaintiffs’ purported expert to testify. Rebuttal testimony is the exclusive capacity of Defendants’ designated expert, Jennifer Lee. *See* ECF No. 81.

More important to the analysis, Plaintiffs failed to articulate any conceivable prejudice to Plaintiffs other than “*hav[ing] to respond to an expert they otherwise would not have to consider*” despite engaging in no expert discovery or taking any depositions to date. It amounts to their same justification for fighting summary judgment every step of the way—they don’t want Defendants to do it.

The Response recycles the same arguments this Court already disposed of in the multiple motions filed since the undersigned counsel assumed representation of Defendants. As addressed multiple times now, Plaintiffs take the inconsistent and confusing position of accusing Defendants of “*delay*” while submitting joint and agreed schedules and taking advantage of the same extra time to engage in discovery they never initiated or conducted before the continuance. The Response fabricates the reality of this case in accusing Defendants of “neglect and delay,” when it is Defendants’ present counsel who is the only one who has pushed this case along. This history is well-document at this juncture and Plaintiffs’ entire position is meritless.

Accordingly, Defendants respectfully request the Court grant their Motion for Leave to Serve Expert Rebuttal Report and for all other relief, both at law and in equity, to which Defendants are entitled.

Dated: December 13, 2023.

Respectfully submitted,

**BELL NUNNALLY & MARTIN LLP**

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**COUNSEL FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I certify that on December 13, 2023, I served a true and correct copy of the foregoing, by and through CM/ECF, on all known counsel of record in accordance with the Federal Rules of Civil Procedure.

/s/ Brent D. Hockaday  
Brent D. Hockaday